REMARKS

Claims 1-22 were pending in this application.

Claims 1-22 have been rejected.

Claims 1, 2, 9, 10, 17, and 18 have been amended as shown above.

Claims 1-22 remain pending in this application.

Reconsideration and full allowance of Claims 1-22 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,238 to Cooper ("*Cooper*") in view of U.S. Patent No. 4,530,051 to Johnson et al. ("*Johnson*"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP § 2142; In re Fritch, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)*). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP § 2142; In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)*). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. (*MPEP § 2142; In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)*). If the Patent Office does not produce a *prima facie* case of unpatentability,

then without more the applicant is entitled to grant of a patent. (*In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); In re Grabiak, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)*).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)*). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*MPEP § 2142*).

Claims 1, 9, and 17 have been amended to recite that a "plurality of subroutines" are "sequentially callable" by a "main routine." Claims 1, 9, and 17 have also been amended to recite that the main routine, after "sequentially transferring program execution control" to "each remaining subroutine in the plurality of subroutines," again transfers "program execution control" to the "first subroutine" at an "address of [a] decision point contained in [a] first multitasking vector."

The Office Action acknowledges that *Cooper* fails to disclose a "multitasking control program" that includes a "main routine" and a "plurality of subroutines." (*Office Action, Page 5,*

Last paragraph). Based on this acknowledgement, *Cooper* also fails to disclose that a "plurality of subroutines" are "sequentially callable" by a "main routine" as recited in Claims 1, 9, and 17.

The Office Action also acknowledges that *Cooper* fails to disclose a "main routine" calling a "first subroutine," where the first subroutine updates a "first multitasking vector" with an "address" of a "decision point" that cannot be decided and transfers program execution control back to the main routine. (*Office Action, Page 5, Last paragraph – First, paragraph*). Based on this acknowledgement, *Cooper* also fails to disclose that a main routine, after transferring program execution control to the "first subroutine" and then sequentially to "each remaining subroutine in the plurality of subroutines," again transfers program execution control to the "first subroutine" at an "address of the decision point contained in the first multitasking vector" as recited in Claims 1, 9, and 17.

Johnson also fails to disclose, teach, or suggest these elements of Claims 1, 9, and 17.

Johnson recites that a "home process" executing on a "home processor" can invoke a "remote process" on a "remote processor." (*Abstract*). The "home process" may operate in various states, including states in which the "home process" is waiting for an action to occur or a message to be received. (*Col. 7, Lines 11-62*). For example, the "home process" may call a "remote process" and then enter a dormant state, and the "home process" remains in the dormant state until the "home process" receives a return message from the "remote process." (*Col. 7, Line 63 – Col. 8, Line 28*). The "remote process" may itself invoke execution of other processes and enter a dormant state. (*Col. 10, Lines 27-63*).

Johnson simply recites that a "home process" on one processor may invoke a "remote

process" on another processor, and the "remote process" may itself invoke functions on a different processor. However, *Johnson* lacks any mention that the remote processes are "sequentially callable" by the home process, where a first "remote process" is called and then all remaining "remote processes" are sequentially called before the first "remote process" is called again. As a result, *Johnson* fails to disclose, teach, or suggest a "main routine" and a "plurality of subroutines sequentially callable" by the "main routine," where "program execution control" is sequentially transferred to a first subroutine, to each remaining subroutine, and again to the first subroutine as recited in Claims 1, 9, and 17.

For these reasons, the proposed *Cooper-Johnson* combination fails to disclose, teach, or suggest all elements of Claims 1, 9, and 17 (and their dependent claims). Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection and full allowance of Claims 1-22.

II. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Applicants have included the appropriate fee to cover the cost of a REQUEST FOR CONTINUED EXAMINATION. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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